

REMARKS

Claims 1-9 are pending in the application and stand rejected. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1, 3, 5, and 7-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis (U.S. Patent No. 5,142,473) in view of Motose (U.S. Patent No. 6,364,726). This rejection is respectfully traversed.

Claims 2, 4, and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis (U.S. Patent No. 5,142,473). This rejection is also respectfully traversed.

In the Response filed on October 31, 2005, Applicants amended the claims to correspond with the claims in the corresponding parent patent, U.S. Patent No. 6,682,371, (the "371 Patent"), for which a terminal disclaimer was filed and acknowledged in the present Office Action. The outstanding claims include the additional limitation of a microprocessor, and nothing more, which is the subject of the added matter in the present Continuation in Part application. More specifically, pending Claim 1 corresponds with Claim 4 of the '371 patent, pending Claim 2 corresponds with Claim 5 of the '371 patent, pending Claim 3 corresponds with Claim 9 of the '371 patent, pending Claim 4 with Claim 10 of the '371 patent, pending Claim 5 with Claim 13 of the '371 patent, pending Claim 6 with Claim 14 of the '371 patent, pending Claim 7 with Claim 3 of the '371 patent, pending Claim 8 with Claim 8 of the '371 patent, and pending Claim 9 with Claim 12 of the '371 patent. Since the claims of the issued patent are

patentable over the cited art, Applicants submit that the outstanding claims cannot be rendered obvious since they are merely dependent on the claims of the issued patent with the additional limitation of the microprocessor. Accordingly, Applicants submit that the outstanding claims are in condition for allowance and respectfully request that the claim rejections be withdrawn.

Moreover, Applicants maintain that Davis does not teach the limitation that when an operator attempts to start the ignition system when the outboard motor is tilted up beyond a maximum safe tilt position, the alarm, the ignition disabling switch, or the tilt circuit is activated by the microprocessor to automatically lower the outboard motor. The mere disclosure of a microprocessor in a power boat in Davis does not suggest to a person of ordinary skill that the microprocessor should be or can be easily reprogrammed to automatically lower the outboard motor when an operator attempts to start the ignition system when the outboard motor is titled up beyond a maximum safe tile position. Davis does not teach or disclose a system that warns or prevents an operator from starting the outboard engine when it is tilted beyond a maximum safe tilt position whatsoever. Rather, Davis teaches a system to achieve a more optimal trim position while the boat in underway for a smoother boat ride.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt

and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7524.

Respectfully submitted,

Dated: 15 MAY 06

By: 
Kelly K. Burris, Reg. No. 46,361

HARNESS, DICKEY & PIERCE, P.L.C.
7700 Bonhomme Avenue, Suite 400
St. Louis, Missouri 63105
(314) 726-7500

KKB/lds